

EXHIBIT J

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September 1, 2015

VIA EMAIL AND FIRST CLASS MAIL

Timothy Weeden (Timothy.weeden@gmail.com)
Weeden & Kavanagh
19 Phelps Avenue, 3rd Floor
Tenefly, NJ 07670

Re: *Ellen Bernfeld* (Adv. Pro. No. 10-04898), *Marilyn Bernfeld Trust, et.al;* (Adv. Pro. No. 10-05143) and *Michael A. and Judith Bellini* (Adv. Pro. No. 10-04841)

Dear Mr. Weeden:


This letter is a final attempt to get you to provide Initial Disclosures and a reminder that your discovery responses are due on Friday. There will be no further extensions.

We have repeatedly reminded you of your clients' failure to serve Initial Disclosures, which were due in August 2014. We wrote seven times over the past twelve months requesting them. A year has passed and they have not been served.

In July, we served discovery in each case. It was due in August. Then, to accommodate your schedule, we extended the deadline to September 4.

On August 21, Judge Bernstein signed an order compelling similarly situated defendants to serve Initial Disclosures and respond to the Trustee's discovery. The order is attached.

Please respond. If we do not receive responses on Friday, we will call you on Monday to comply with Judge Bernstein's Chambers Rules and Rule 7007-1 of the Local Rules of the United States Bankruptcy Court prior to filing a letter with Judge Bernstein seeking an informal conference to discuss the issues.

Sincerely,

Dean Hunt

Enclosures

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August 6, 2015

**VIA ECF AND ELECTRONIC MAIL
(BERNSTEIN.CHAMBERS@NYSB.USCOURTS.GOV)**

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

*Re: Picard v. 1096-1100 River Road Associates, LLC, et al., Adv. Pro. No. 10-05390
(Bankr. S.D.N.Y.)*

Dear Judge Bernstein:

We are counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff. We write to request a conference with the Court, pursuant to Local Bankruptcy Rule 7007-1(b), with respect to defendants' failure to comply with any of their discovery obligations under the Federal Rules of Civil Procedure.

On December 1, 2014, the Trustee served the Trustee's initial disclosures; on March 11, 2015, the Trustee served the Trustee's First Set of Interrogatories; and on June 29, 2015, the Trustee served the Trustee's First Set of Requests for Admission and First Set of Requests for the Production of Documents. Under the Case Management Notice filed in this proceeding, the deadline for completion of fact discovery was July 29, 2015. Yet Defendants have neither served initial disclosures nor responded to any of the Trustee's written discovery.

The Trustee's counsel attempted to confer with counsel for defendants in a good faith effort to resolve by agreement the matter without the intervention of the Court, as required by this Court's Local Rules and your Honor's Chambers' Rules. In addition to several telephone messages, the Trustee's counsel emailed defendants' counsel on January 13, 2015 to inquire as to defendants' failure to serve initial disclosures, but did not receive any response. On July 20, 2015, the Trustee sent counsel a letter outlining the deficiencies and stating that the Trustee would exercise his rights to remedy the

Honorable Stuart M. Bernstein
August 6, 2015
Page 2

discovery deficiencies absent immediate and complete compliance with defendants' discovery obligations. Counsel did not respond to this message. On August 4, 2015 and again on August 5, 2015, the Trustee's counsel telephoned counsel and left additional messages. Counsel failed to return these calls.

Based on the foregoing, and pursuant to Local Bankruptcy Rule 7007-1(b), the Trustee respectfully requests a conference with the Court to resolve this matter. Such a conference will assist the Trustee in completing the discovery to which he is entitled in these proceedings, and will hopefully obviate the need for discovery-related motion practice.

Sincerely,

/s/ Edward J. Jacobs

Edward J. Jacobs
Partner

cc: Ferve Ozturk
Marc Hirschfield
Richard Abrahamsen
Peter Shapiro

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

<p>SECURITIES INVESTOR PROTECTION CORPORATION,</p> <p style="text-align: center;">Plaintiff-Applicant,</p> <p style="text-align: center;">v.</p> <p>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>No. 08-01789 (SMB)</p> <p>SIPA LIQUIDATION</p> <p>(Substantively Consolidated)</p>
<p>In re:</p> <p>BERNARD L. MADOFF,</p> <p style="text-align: center;">Debtor.</p>	
<p>IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>1096-1100 RIVER ROAD ASSOCIATES, LLC; FRED A. DAIBES, LLC; and FRED A. DAIBES;</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 10-05390 (SMB)</p>

**ORDER GRANTING ORAL MOTION TO COMPEL DISCOVERY PURSUANT TO
 RULE 37(a) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

THIS MATTER having come before the Court on the letter request of Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff, filed on August 6, 2015 [ECF No. 48] (the “Letter Request”) seeking a conference concerning the failure of the defendants (the “Defendants”) in

the above-captioned adversary proceeding (“the Adversary Proceeding”) to serve initial disclosures, serve responses to discovery served by the Trustee, and produce documents requested by the Trustee; and the Court having held a hearing (the “Hearing”) on the Letter Request on August 20, 2015 at 11:00 a.m.; and Defendants’ counsel having stated at the Hearing that Defendants do not oppose the Letter Request; and the Court having treated the Letter Request as an oral motion for entry of an order compelling Defendants to serve initial disclosures, serve discovery responses, and produce documents and having issued a bench ruling (the “Bench Ruling”) at the Hearing; and the Court having granted such motion and having directed the Trustee to submit an order after consultation with Defendants’ counsel,

IT IS HEREBY ORDERED THAT:

In accordance with the Bench Ruling, as incorporated herein, Defendants shall (1) serve initial disclosures in the Adversary Proceeding by **September 4, 2015**; (2) respond to the Trustee’s First Set of Interrogatories, served on March 11, 2015, by **September 18, 2015**; and (3) respond to the Trustee’s First Set of Requests for Admission and First Set of Requests for the Production of Documents, each served on June 29, 2015, by **September 18, 2015**.

Dated: August 21st, 2015
New York, New York

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN